

MONTANA LEGISLATIVE HISTORY

Chapter 234 19 52

Bill H _____ S 120 Original bill & history C

H. Committee on Workmen's Compensation

Hearing Date(s) Feb 26 ☒ C

Mar 01 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Mar 01 ☒ C

S. Committee on Labor and Compensation

Hearing Date(s) Feb 20 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Feb 20 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

February 20, 1957

SENATE COMMITTEE ON LABOR AND COMPENSATION

A meeting of the Senate Committee on Labor and Compensation was called to order by the Chairman, Senator Anderson, at 4:45 p.m., February 20, 1957, in Room 407 of the Capitol Building.

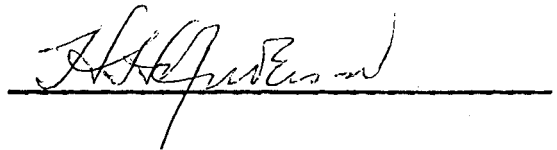
Roll was called and all members were present with the exception of Senator Manning.

There was considerable discussion regarding the payment schedule in Senate Bill 120.

Senator Jellison moved that the committee bring out Senate Bill 120 with the recommendation that it "do pass". This motion was seconded by Senator Lehrkind and the motion carried. There will be a majority and minority report on this bill. Senator Nutter passed his vote.

Senator Nutter made the suggestion that Senate Bills 148 and 121 should be kept alive until the committee determines what bill is coming out of the committee, and the rest kept alive until we see what does happen on the floor on the rest of the bills.

The motion was made and seconded that the meeting be adjourned until Thursday morning at 8:00 a.m.



COMMITTEE ON WORKMEN'S COMPENSATION

February 26, 1957

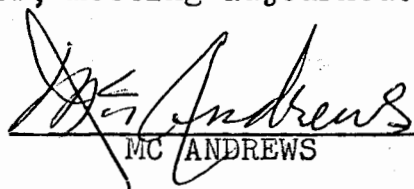
Meeting was called to order by Chairman McAndrews on adjournment, February 26, 1957, in Room 418. Roll call was taken and a quorum was present.

Senate Bills 120 and 213 were placed before the committee for consideration. Healy moved that these bills be placed in a sub-committee. Motion was seconded by Gebhardt and carried unanimously.

Chairman McAndrews appointed the following to the sub-committee:

McGarvey, Chairman
Haines (Missoula)
Glancy

There being no further business, meeting adjourned.

 Chairman
MC ANDREWS

COMMITTEE ON WORKMEN'S COMPENSATION

March 1, 1957

Meeting was called to order by Chairman McAndrews at 8:45 A.M., March 1, 1957, in Room 418. Roll call was taken and a quorum was present.

Since there were guests to appear on Senate Bill 41, it was the first one considered by the committee. The guests, appearing as Proponents of the bill, were: Mr. Robert Swanberg, Chairman of the Industrial Accident Board, and Andy Kieley of the same department. Mr. Swanberg explained SB 41, which he said was drawn up by his department. Mr. Kieley answered some questions of the committee in regard to this bill. The guests were then dismissed.

After discussion, it was moved by McGarvey that SB 41 be passed out of committee without recommendation. Motion was seconded by Mernin, and carried unanimously.

SB 213 was then placed before the committee for their consideration. The sub-committee Chairman, McGarvey, explained the bill and the necessary amendments to the committee. He said that it would then be amended to include partial disability and waivers.

Rep. Glancy moved that the House amendments to SB 213 be adopted by this committee. Healy seconded the motion, and motion carried unanimously.

McGarvey then moved that SB 213, as so amended by the House, be concurred in. Healy seconded the motion. Motion carried.

Rep. McGarvey then explained the amendments made by his sub-committee to SB 120. After some committee discussion, Glancy moved that the House amendments to SB 120 be adopted by this committee. Healy seconded the motion, and motion carried.

Rep. Mernin then moved that SB 120, as so amended by the House, be concurred in. The motion was seconded by Glancy. Motion carried.

There being no further business, it was duly moved and seconded that the meeting adjourn.

 Chairman
MC ANDREWS

(C) before receiving such institutional care, was a member of the same household as the taxpayer.

“(g) Rules Relating to General Definition. For purposes of this section

Rules relating to general definition.

(1) The terms ‘brother’ and ‘sister’ include a brother or sister by the halfblood.

“Brother” and “sister.”

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood.

Legally adopted child.

“(h) Determination of Marital Status. For purposes of this part

Determination of marital status.

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and

Exception when spouse dies.

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.”

Legal separation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be effective as to all taxable periods ending on or after December 31, 1957, whether on the calendar or fiscal year basis.

Effective for taxable periods after Dec. 31, 1957.

Approved March 12, 1957.

CHAPTER 234

An Act Amending Section 92-701, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-702, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-703, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-704, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-705, Revised Codes of Montana, 1947, as Amended by Chapter 38,

Laws of Montana, 1953, Amending Section 92-706, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-709, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, All Relating to Increases in Workmen's Compensation and Benefits in Cases of Temporary Total, Permanent Total or Partial Disabilities, Injury Causing Death, Burial Expenses, Specified Injuries, Medical and Hospital Services and Other Treatments; Amending Section 92-715, Revised Codes of Montana, 1947, as Amended by Chapter 225 of the Laws of Montana, 1951, Relating to Monthly Payments Being Converted into Lump Sums; Amending Section 92-807, Revised Codes of Montana, 1947, Relating to Notice of Claims for Injury Other than Death; and Providing that in the Event of a Dispute Concerning a Workmen's Compensation Claimant's Physical Condition the Claimant May be Required to Take a Physical Examination; Repealing All Acts or Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 92-701, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Rates for
temporary
total disability,
increased.

“92-701. **Compensation for Injury Producing Temporary Total Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where the injured employee has a wife, or child, or father or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or

two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars (\$33.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 (\$36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty dollars (\$40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars (\$42.50)* per week, and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars (\$25.50)* per week, and subject to change when the number of beneficiaries or dependents *increases by birth, or decreases*. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Section 2. That section 92-702, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Amending
clause.

"92-702. **Compensation for Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where the in-

Rates for
permanent
total
disability,
increased.

jured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars* (\$30.50) per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars* (\$33.50) per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 dollars* (\$36.50) per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty dollars* (\$40.00) per week; where the injured employee has a wife and four (4) children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars* (\$42.50) per week; and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars* (\$25.50) per week; and subject to change when the number of beneficiaries or dependents *increases by birth, or decreases*. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Amending
clause.

Section 3. That section 92-703 of the Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

"92-703. **For Partial Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-three and 50/100 dollars (\$33.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum ($62\frac{1}{2}\%$) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-six and 50/100 dollars (\$36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *forty dollars (\$40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum ($66\frac{2}{3}\%$)

Rates for
partial
disability
increased.

of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *forty-two and 50/100 dollars (\$42.50)* per week; not exceeding however, the maximum compensation allowed in cases of total disability, and not exceeding *in amount or duration* the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents *increases by birth, or decreases, provided, however, that compensation for partial disability resulting from the loss of or injury to any member shall not be payable for a greater number of weeks than is specified in section 92-709 for the loss of such member.*"

Not exceeding in amount or duration, total compensation for total loss of member.

Subject to change, when.

Proviso.

Amending clause.

Section 4. That section 92-704, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Rate for death, increased.

"92-704. Compensation for Injury Causing Death. For beneficiaries residing within the United States: Where decedent leaves one (1) beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where decedent leaves two (2) beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where decedent leaves three (3) beneficiaries, sixty per centum (60%) of the wages received at the time of the injury subject to a maximum compensation of *thirty-three and 50/100 dollars (\$33.50)* per week; where decedent leaves four (4) beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 dollars (\$36.50)* per week; where decedent leaves five (5) beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *forty dollars (\$40.00)* per week; where decedent leaves six (6) or more beneficiaries, sixty-six and two-thirds per centum

(66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars (\$42.50)* per week; and subject in all such cases to a minimum compensation of *twenty-five and 50/100 dollars (\$25.50)* per week.

“For beneficiaries residing outside of the United States: Where decedent leaves one (1) beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two (2) beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three (3) beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four (4) or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

For beneficiaries
residing
outside the
state.

“If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one (1) major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where decedent leaves two (2) major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week.

No benefici-
aries, to major
dependents.

“If the decedent leaves no major dependents, compensation shall be payable to his minor dependents; if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one (1) minor dependent, thirty per centum (30%) of the wages received at the time of the injury, *subject to a maximum compensation of twenty-eight dollars (\$28.00)*; where decedent leaves two (2) minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury, *subject to a maximum compensation of thirty and 50/100 dollars (\$30.50)*; where decedent leaves three (3) or more minor dependents, forty per

No major
dependents,
to minor
dependents.

centum (40%) of the wages received at the time of the injury, *subject to a maximum compensation of thirty-six and 50/100 dollars (\$36.50) per week.*

To surviving parent or parents.

"If the decedent leaves no major or minor dependents a lump sum in the amount of three thousand and no/100 dollars (\$3000.00) shall be payable to his surviving parent or parents.

Maximum compensation.

"All such payments of compensation provided for in this section shall be subject to a maximum compensation of forty-two and 50/100 dollars (\$42.50) per week for a period not exceeding five hundred (500) weeks and subject to change when the number of beneficiaries or dependents increases by birth or decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Amending clause.

Section 5. That section 92-705, Revised Codes of Montana, 1947, as amended by chapter 38 of the Laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Reasonable burial expenses—maximum of \$500.00.

"92-705. (2916) Providing for Payment of Burial Expense. There shall be paid, in case of the death of an employee, which death is the result of an accidental injury arising out of the employment and happening in the course of the employment, the reasonable burial expenses of the employee, not exceeding *five hundred dollars (\$500.00)* and such payment is not a part of the compensation which might be paid but is a benefit in addition to and separate and apart from compensation."

Amending clause.

Section 6. That section 92-706, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Medical and hospital services and other treatment approved by the board.

"92-706. (2917) Medical and Hospital Services and Such Other Treatment as Approved by the Board to Be Furnished. In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

Time increased.

"During the first thirty-six (36) months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital

services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of twenty-five hundred dollars (\$2,500.00) provided however, that in cases of total disability where apportionment of such sum does not meet all hospitalization expenses, the board may allow an additional amount for additional hospital and medical expenses *as in special cases it may deem proper*. The employer or insurer or the board shall not be required to furnish such services if the employee refuses to allow them to be furnished or if the employee is under hospital contract as provided in section 92-610 (2907) of this act.

Proviso—
additional
hospital
expenses as
board deems
proper.

“When such employee is under a hospital contract as above and when hospital and medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Hospital
contract,
facilities
inadequate.

“And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an artificial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The replacement of an artificial member so furnished shall be required every five (5) years, if necessary, *unless the board shall determine a replacement is needed within a shorter period.*”

Artificial
members.

Shorter period
for replace-
ment author-
ized.

Section 7. That section 92-709, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Amending
clause.

“92-709. (2920). **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation pro-

Specified
injury
schedule.

Specified injury
schedule
(continued).

vided by this act, shall be as follows: Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars (\$28.00)* per week; where the injured employee has a wife, or child, or father or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars (\$30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars (\$33.50)* per week; where the injured employee has a wife and two (2) children or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of injury, subject to a maximum compensation of *thirty-six and 50/100 dollars (\$36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *forty dollars (\$40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars (\$42.50)* per week, subject to change when the number of beneficiaries or dependents *increases by birth, or decreases*, and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars (\$25.50)* per week, and shall be paid for the following periods:

For loss of:	Specified injury schedule (continued).
One arm at or near shoulder	280 weeks
One arm at the elbow	240 weeks
One arm between wrist and elbow	220 weeks
One hand	200 weeks
One thumb and the metacarpal bone thereof	75 weeks
One thumb at the proximal joint	37 weeks
One thumb at the second distal joint	25 weeks
One first finger and the metacarpal bone thereof	40 weeks
One first finger at the proximal joint	30 weeks
One first finger at the second joint	22 weeks
One first finger at the distal joint	15 weeks
One second finger and the metacarpal bone thereof	37 weeks
One second finger at the proximal joint	20 weeks
One second finger at the second joint	15 weeks
One second finger at the distal joint	8 weeks
One third finger and the metacarpal bone thereof	25 weeks
One third finger at the proximal joint	15 weeks
One third finger at the second joint	10 weeks
One third finger at the distal joint	5 weeks
One fourth finger and the metacarpal bone thereof	15 weeks
One fourth finger at the proximal joint	11 weeks
One fourth finger at the second joint	8 weeks
One fourth finger at the distal joint	6 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	300 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	200 weeks
One leg between knee and ankle	190 weeks
One foot at the ankle	180 weeks
One great toe with the metatarsal bone thereof	37 weeks
One great toe at the proximal joint	18 weeks
One great toe at the second joint	12 weeks
One toe other than the great toe with the metatarsal bone thereof	16 weeks
One toe other than the great toe at the proximal joint	8 weeks
One toe other than the great toe at second or distal joint	5 weeks

One eye by enucleation	165 weeks
Total blindness of one eye	140 weeks
Total loss of hearing, one ear	40 weeks
Total loss of hearing, both ears	200 weeks

Loss of
vision.

"Loss of vision: Where central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, the same as for loss of the eye.

Total loss
of use of
member.

"Total loss of use: Indemnity benefits for permanent total loss of use of a member shall be the same as for loss of the member.

Partial loss
or partial loss
of use of
member.

"Partial loss or partial loss of use: Indemnity benefits for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

Loss or loss
of use of more
than one
member.

"In any case in which there shall be a loss, or loss of use, of more than one member as set forth in this section, not amounting to permanent total disability, the award of indemnity benefits shall be for the loss, or loss of use thereof, which awards shall run consecutively, provided, however, that the total award or compensation in no case shall exceed five hundred (500) weeks.

Disfigurement.

"Disfigurement: The board may award proper and equitable indemnity benefits for serious face, head, or neck disfigurement, not to exceed twenty-five hundred dollars (\$2,500.00) in addition to any other indemnity benefits payable under this section.

Loss of both
hands, arms,
feet, legs, or
eyes, or any
two thereof
in one accident.

"The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two (2) thereof, in one (1) accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Proviso.

Proviso.

Amending
clause.

Section 8. That section 92-715, Revised Codes of Montana, 1947, as amended by chapter 225 of the laws of

Montana of 1951, be, and the same is hereby amended to read as follows:

"92-715. (2926). **Monthly Payments Converted into a Lump Sum.** The monthly payments provided for in this act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of two per centum (2%) per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board, both as to the amount of such lump sum payment and the advisability of such conversion. The board is hereby vested with full power, authority, and jurisdiction to compromise claims and to approve compromises of claims under this act; and all settlements and compromises of compensation provided in this act shall be absolutely null and void without the approval of the board. *Any approval of the board must be in writing and set forth specifically the reasons for such lump sum or compromise payment.*"

Monthly payments converted into lump sum.

Application.

Discretion of board.

Compromise allowed, approval of board.

Approval in writing.

Section 9. That section 92-807, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"92-807. (2933). **Notice of Claims for Injuries Other Than Death.** No claims to recover compensation under this act for injuries not resulting in death shall be maintained unless, within *sixty (60)* days after the occurrence of the accident which is claimed to have caused the injury, notice in writing stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured; or some one in his behalf, shall be served upon the employer or the insurer, except as otherwise provided in section 92-602; provided, however, that actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employee was engaged at the time of the injury shall be equivalent to such service."

Notice of claims for injuries within 60 days after accident.

Written notice, to employer or insurer—service.

Actual knowledge by employer or agent, service.

Section 10. In the event of a dispute concerning the physical condition of a claimant, or the cause or causes

Dispute concerning physical condition.

Board may
require
examination.

of his injury or disability, if any, the board, at the request of the claimant, employer or insurer, as the case may be, shall require the claimant to submit to such examination as it may deem desirable by a physician or physicians within the State of Montana or elsewhere who have had adequate and substantial experience in the particular field of medicine concerned with the matters presented by the dispute. The physician making such examination shall file a written report of his findings with the board for its use in the determination of the controversy involved. The board shall pay the physician for such examination and shall be reimbursed by the party who requested it.

Written
report of
physician,
pay for
services.

Repealing
clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Effective
immediately.

Section 12. This act shall be in full force and effect from and after the date of passage and approval.

Approved March 13, 1957.

CHAPTER 235

An Act to Amend Section 4-105 of the Revised Codes of Montana, 1947, and Section 4-108 of the Revised Codes of Montana, 1947, as Amended by Chapter 140, Laws of the Thirty-first Legislative Assembly, 1949, and as Further Amended by Chapter 163, Laws of the Thirty-second Legislative Assembly, 1951; Said Section 4-105 Relating to the Meetings and Compensation of the Members of the Montana Liquor Control Board; Said Section 4-108, as Amended, Relating to the Fixing of Salaries of the Administrative Officers and Other Employees of Said Board; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 4-105 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Compensation
of liquor
control board,
increased.

"4-105. Liquor Control Board — Compensation — Meetings. Each of the members of the Montana liquor control board shall receive, as compensation for his offi-